

FORM PTO-1390 (Modified)
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

U.S. DOCKET NUMBER

025098/2802

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/807355

INTERNATIONAL APPLICATION NO.

PCT/US99/20971

INTERNATIONAL FILING DATE

10 September 1999

PRIORITY DATE CLAIMED

11 September 1998

TITLE OF INVENTION

REGULATION OF HER2/neu ONCOGENE EXPRESSION BY SYNTHETIC POLYAMIDES

APPLICANT(S) FOR DO/EO/US

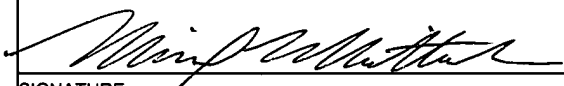
Peter B. DERVAN

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21 indicated below).
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - ☐ has been transmitted by the International Bureau.
 - ☒ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ An English translation of the International Application into English (35 U.S.C. 371(c)(2)).
 - ☐ is attached hereto.
 - ☐ has been previously submitted under 35 U.S.C. 154 (d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - ☐ have been transmitted by the International Bureau.
 - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - ☐ have been made and filed in the United States Receiving Office.
8. ☐ An English translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 – 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items of information:

U.S. APPLICATION Unknown 09/807355		INTERNATIONAL APPLICATION NO. PCT/US99/20971		ATTORNEY'S DOCKET NUMBER 025098/2802	
21. <input checked="" type="checkbox"/> The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5): Neither international preliminary examination fee (37 CFR 1.482) nor International search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... \$1000.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860.00 International preliminary examination fee paid (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$710.00 International preliminary examination fee paid (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO And all claims satisfied provisions of PCT Article 33 (1)-(4) \$100.00				CALCULATION	PTO USE ONLY
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$860.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e))					
Claims	Number Filed	Included in Basic Fee	Extra Claims	Rate	
Total Claims	24	20	4	\$18.00	\$ 72.00
Independent Claims	1	3	0	\$80.00	\$ 0.00
Multiple dependent claim(s) (if applicable)				\$270.00	\$ 0.00
TOTAL OF ABOVE CALCULATIONS =				\$932.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$466.00	
SUBTOTAL =				\$466.00	
Processing fee of \$130.00 for furnishing English translation later the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	
TOTAL NATIONAL FEE =				\$0.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +					
TOTAL FEES ENCLOSED =				\$466.00	
				Amount to be refunded:	
				charged:	
a. <input checked="" type="checkbox"/> A check in the amount of \$609.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0872 . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Foley & Lardner 402 W. Broadway, Suite 2300 San Diego, California 92101-3542 Telephone: (310) 975-7963			 SIGNATURE NAME MICHAEL A. WHITTAKER REGISTRATION NUMBER 46,230		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Application No. (if known, see 37 CFR 1.5) **Unknown**
International Application No. **PCT/US99/20971**
International Filing Date: **10 September 1999**
Priority Date Claimed: **11 September 1998**
Title of Invention **REGULATION OF HER2/neu ONCOGENE EXPRESSION BY SYNTHETIC POLYAMIDES**
Applicant(s) for DO/EO/US **California Institute of Technology**
Agent's Ref: **025098/2802**

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EL 727050438 US
Date of Deposit: April 10, 2001
I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to ATTENTION PCT LEGAL STAFF, BOX PCT, Assistant Commissioner for Patents, Washington, D.C. 20231.

By: _____

Sandra A'Costa
Sandra A'Costa

Attention: PCT Legal Staff
Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 USC 371
- ☒ Petition For Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(B)
- ☒ Check in the amount of \$620.00 for Petition Fee
- ☒ Check in the amount of \$466.00 for Application Fee
- ☒ Return Postcard

Please charge any additional fees associated with this transmittal, or credit any overpayment to Deposit Account No. 50-0872. A duplicate of this sheet is enclosed.

FOLEY & LARDNER
402 W. Broadway, Suite 2300
San Diego, CA 92101-8579
1-619-234-6655 Office
1-619-234-3510 Fax

By: _____

Michael A. Whittaker
Name: Michael A. Whittaker
Reg. No. 46,230
MAW:snac

**PETITION FOR REVIVAL OF AN INTERNATIONAL
APPLICATION FOR PATENT DESIGNATING THE U.S.
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
025098/2802

First Named Inventor: **DERVAN, Peter B.**

International (PCT)
Application No. **PCT/US99/20971**

U.S. Application No. **Unknown**
(if known)

Filed: **10 September 1999**

Title: **REGULATION OF HER2/neu ONCOGENE EXPRESSION BY SYNTHETIC
POLYAMIDES**

RECEIVED

26 APR 2001

Attention: PCT Legal Staff
Box PCT
Assistant Commissioner for Patents
Washington, DC 20231

**Legal Staff
International Division**

The above identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.494(b) or (c) or 1.495(b) or (c) (as applicable). The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.494(g) or (h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee – required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

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03 FC:241

1. Petition Fee

- ☒ Small entity – fee \$620 (37 CFR 1.17(m)) Applicant claims small entity status.
See 37 CFR 1.27
- ☐ Other than small entity – fee \$1,240 (37 CFR 1.17(m))

2. Proper Reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirements) in the form of:
the national filing fee (identify type of reply):

- ☐ has been provided _____
☒ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee


☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$55.00 for a small entity or \$110.00 for other than a small entity) equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Dated: April 10, 2001


Michael A. Whittaker, Reg. No. 46,230
Agent for Applicant
FOLEY & LARDNER
402 W. Broadway, Suite 2300
San Diego, California 92101-3542
+1-619-234-6655 Office
+1-619-234-3510 Fax

Enclosures: ☐ Response
☒ Fee Payment
☐ Terminal Disclaimer Form
☐ _____